



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

Riverside County Administration Center  
4080 Lemon St., Hearing Room (1st Floor)  
Riverside, California

Thursday 9:00 a.m., February 14, 2008

CHAIR  
Simon Housman  
Rancho Mirage

VICE CHAIRMAN  
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Riverside

Robin Lowe  
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[www.rcaluc.org](http://www.rcaluc.org)

NOTE: If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Comments shall be limited to 5 minutes and to matters relevant to the Plan. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s). Also please be aware that the indicated staff recommendation shown below may differ from that presented to the Commission during the public hearing.

In compliance with the Americans with Disabilities Act, if any accommodations are needed, please contact Barbara Santos at (951) 955-5132 or E-mail at [basantos@rctlma.org](mailto:basantos@rctlma.org). Request should be made at least 48 hours or as soon as possible prior to the scheduled meeting.

## 1.0 INTRODUCTIONS

### 1.1 CALL TO ORDER

### 1.2 SALUTE TO FLAG

### 1.3 ROLL CALL

## 2.0 PUBLIC HEARING: NEW BUSINESS

ITEMS FOR WHICH STAFF RECOMMENDS CONSISTENCY UNDER ONE MOTION UNLESS A COMMISSION MEMBER OR MEMBER OF THE PUBLIC DESIRES TO DISCUSS THE MATTER.

### **MARCH AIR RESERVE BASE**

- 2.1 ZAP1047MA07 Ramona Promenade, LLC/Stratford Ranch, LLC- City Case Nos. GP 07-10-0029, ZC 07-10-0030, CUP 07-10-0034, VAR 07-10-0031, TR 07-10-0032, DPR 07-10-0033. ZC 07-10-0030 proposes to change the zoning from R-10,000 on 46.3 acres to CC (Community Commercial) on 37.7 acres and to R-22 (Residential, 14-15 dwelling units per acre) on 8.5 acres. DPR 07-10-0033 proposes a shopping center with 426,516 square feet of retail, restaurant, and bank uses on 37.7 acres located northerly of Ramona Expressway, easterly of Evans Road and westerly of Lake Perris Drive in the City of Perris. GP 07-10-0029 proposes to change the General Plan designation on 8.5 acres located directly north of the proposed shopping center site from Community Commercial to Multiple-Family Residential. CUP 07-10-0034 would allow for drive-thru restaurants. TR 07-10-0032 proposes the establishment of 14 commercial lots and one remainder lot for residential use. VAR 07-10-0031 proposes a variance from the City's height limit of 20 feet for signs, to allow a sign up to fifty (50) feet in height. Airport Area III. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

3.0 **PUBLIC HEARING:**  
**OLD BUSINESS**

**BERMUDA DUNES AIRPORT**

- 3.1 ZAP1022BD07 – (Representative: Coachella Valley Engineers) – County Case No. PP22915 (Plot Plan) – A proposal to develop a 19,388 square foot industrial/office building for multi-tenant use (7,388 square feet to be basement area, primarily underground parking) on 0.66-0.70 acres located on the south/southwesterly side of Country Club Drive, north/northeasterly of Bermuda Dunes Airport, easterly of Adams Street, and westerly of Jefferson Street in the unincorporated Riverside County community of Bermuda Dunes. Airport Zones A and B2. **Note: The applicant's engineer has agreed to a continuance.** ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to March 13, 2008

- 3.2 ZAP1024BD07 – Rob, Tom, and Jill Rosztoczy and AA Equipment (Representative: Jonathan L. Zane Architecture) – County Case No. PP22846 (Plot Plan). A proposal to develop an 18,000 square foot building as a John Deere dealership for the sales and service of turf maintenance equipment (such as fairway mowers, riding greens mowers, and tractors) on 4.03 – 4.08 acres located southerly of Country Club Drive and westerly of Carter Lane in the unincorporated Riverside County community of Bermuda Dunes. **Staff is awaiting documentation demonstrating that FAA has been provided sufficient information to enable an aeronautical study to be conducted. Staff's recommendation may change if this information is received prior to the hearing.** Airport Zone B1. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to March 13, 2008

**RIVERSIDE MUNICIPAL AIRPORT**

- 3.3 ZAP1031RI07 – Riverside Auto Auction/Manheim Auto Auction (Representative: Kimley-Horn Associates, Inc.) – City Case No. P07-1121 (Conditional Use Permit). (Associated with Design Review Case No. P07-1123). A proposal to add 4,740 square feet of additional floor space to an existing building located on an 8-acre parcel with an address of 6446 Fremont Street. The property is on the west side of Fremont Street, northerly of Central Avenue, in the City of Riverside. Airport Zones B2 and D. **Staff requests that the Commission direct staff as to evaluation of intensity for the lobby, vestibule, waiting room, and cafeteria.** ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to March 13, 2008

**FRENCH VALLEY AIRPORT**

- 3.4 ZAP1008FV07 – Wilshire Greeneway I, LLC (Representative: Ebru Ozdil/Advanced Development Solutions) – County Case Nos. SP00284A3 (Specific Plan Amendment), CZ07596 (Change of Zone), PP23146 (Plot Plan), and PM29509 (Parcel Map No. 29509, Amended No. 2). Plot Plan No. 23146 proposes to establish a mixed use commercial/office/industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres) located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley. SP00284A3 proposes to change the Specific Plan designation of the site from Office/Industrial Park to Commercial/Office/Industrial Park, and from Industrial Park to Commercial/Industrial Park, CZ07596 proposes to amend the zoning ordinance for Specific Plan No. 284 to allow commercial uses in Planning Areas 1 and 2. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel. **Staff's recommendation may change if the applicant submits requested information prior to the hearing.** Airport Zones C, B1, and D. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to March 13, 2008

4.0 **PUBLIC HEARING:**  
**NEW BUSINESS**

**RIVERSIDE MUNICIPAL AIRPORT**

- 4.1 ZAP1035RI07- Jurupa Western, Inc and KDB Management Services, LLC (Representative: Robert M. Beers) - City Case Nos. P07-0381 (General Plan Amendment), P07-0382 (Zone Change), P07-1372 (PRD) and P07-1374 (Tract Map No. 35531). A proposal to change the land use designation from Commercial to Medium Density Residential on 5.29 acres located at the southeast corner of Tyler Avenue and Jurupa Avenue in the City of Riverside, to rezone the property from CR (Commercial Retail) to R-1-7000 (Single Family Residential, 7,000 square foot minimum lot size), and to subdivide the property for the establishment of a Planned Residential Development comprised of 14 buildings containing 42 attached condominium units. Airport Zone C. ALUC Staff Planner: Cecilia Lara at (951) 955-0549, E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: INCONSISTENT

**MARCH AIR RESERVE BASE**

- 4.2 ZAP1046MA07 – Perris Alere LLC and First Industrial – City of Perris Case No. DPR 06-0432 (Development Plan Review) with EIR – Development of 642,072 square foot warehouse/distribution center on 28.2 acres located northerly of Rider Street, westerly of Redlands Avenue, easterly of Johnson Avenue, and southerly of the Metropolitan Water District right-of-way in the City of Perris. Airport Areas I and II. **Staff's recommendation may change if the applicant submits requested information prior to the hearing.** ALUC Staff Planner: John Guerin at (951) 955-0982, E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to March 13, 2008.

**HEMET RYAN AIRPORT**

- 4.3 ZAP1013HR08 and ZAP1002HR07 – Sanderson Associates, LLC – City Case Nos. SP 05-3 (Amended) and GPA 05-1 (Sanderson Square). Amended proposal to establish a Specific Plan for 23 acres of retail commercial uses and 17 acres of business park uses (with amended site plan) on a 40-acre site located easterly of Sanderson Avenue, northerly of Wentworth Drive and the rail line, and southerly of Acacia Avenue in the City of Hemet, and to amend the site’s General Plan designation from Industrial to Specific Plan. Airport Areas I and II. ALUC Staff Planner: John Guerin at (951) 955-0982, E-mail at jguerin@rctlma.org.

Staff Recommendation: INCONSISTENT

5.0 **ADMINISTRATIVE ITEMS**

- 5.1 Notice of Intent to Override – City of Palm Springs, Desert Son-Shine Preschool and Kindergarten (ZAP1004PS07).
- 5.2 Possible ALUC Commission Meetings in the Desert. Discussion - Technical Support Availability.
- 5.3 Proposed Format for Letters Advising Jurisdictions of Determinations of Inconsistency (Follow-up to Report from Committee on Conditions).
- 5.4 Announcement: Hemet-Ryan Subcommittee Meeting, Conference Room 1B, 1:00 p.m.

6.0 **APPROVAL OF MINUTES**

December 13, 2007 and January 10, 2008

7.0 **ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

8.0 **COMMISSIONER’S COMMENTS**

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 2.1

**HEARING DATE:** February 14, 2008

**CASE NUMBER:** ZAP1047MA07-Ramona Promenade, LLC/Stratford Ranch, LLC

**APPROVING JURISDICTION:** City of Perris

**JURISDICTION CASE NUMBER:** GPA 07-10-0029 (General Plan Amendment), ZC 07-10-0030 (Zone Change), CUP 07-10-0034 (Conditional Use Permit), Variance 07-10-0031, TM 07-10-0032 (Tract Map), DPR 07-10-0033 (Development Plan Review)

**MAJOR ISSUES:** None.

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY for the Development Plan Review, Conditional Use Permit, Variance and Tract Map, subject to the conditions specified herein. The General Plan Amendment and Zone Change are also CONSISTENT and are not subject to conditions.

**PROJECT DESCRIPTION:**

The proposed project would allow for development of a 426,516 square foot commercial shopping center on 37.8 acres. The General Plan Amendment proposes to change the land use designation on 8.5 acres located directly northerly of the proposed shopping center site from CC (Community Commercial) Specific Plan to Multiple Family Residential. The Zone Change proposes to change the zoning from R-10,000 on 46.3 acres to Community Commercial on 37.8 acres and to R-22 (Residential, 14-15 dwelling units per acre) on 8.5 acres. The CUP would allow for drive-thru restaurants. The tract map proposes 14 commercial lots and one remainder lot for future residential use. Variance 07-10-0034 proposes a variance from the City's height limit of 20 feet for signs, to allow a sign up to 50 feet in height.

**PROJECT LOCATION:**

The proposed project site is located northerly of Ramona Expressway, easterly of Evans Road and westerly of Lake Perris Drive, in the City of Perris, approximately 13,120 feet

southeasterly of the southerly terminus of the runway at March Air Reserve Base, but well easterly of the extended runway centerline.

**LAND USE PLAN:** 1984 Riverside County Airport Land Use Plan, as applied to March Air Reserve Base/Inland Port Airport.

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/Inland Port Airport
- b. Land Use Policy: Airport Area III
- c. Noise Policy: Outside the 60 CNEL contour

**BACKGROUND:**

Land Use/Intensity: The site is located in Airport Area III. Airport Area III allows for commercial and residential uses with no restrictions on density or intensity of development.

Average intensity for nonresidential development may be determined through either the Parking Space Method, the California Building Code Method, or through a survey of similar uses. The applicant proposes to provide 1,070 parking stalls. Based on the Parking Space Method, total occupancy would be estimated at 3,105 persons (1.5 persons per parking space), for an average intensity of 82 persons per acre for the 37.8-acre site.

The applicant proposes 426,516 square feet of building area. Most of the buildings would be for retail sales. It is expected that 32,400 square feet would be in restaurant use (five of the six freestanding pads and 50% of the square footage in the buildings labeled “Shops 1” and “Shops 2”). Pursuant to the California Building Code Method, assuming the “highest-intensity” scenario that the retail stores would be 100% sales and display area and that the restaurants would be 100% serving area, the 394,116 square foot retail area would accommodate 6,569 persons, and the restaurants would accommodate 1,080 persons. The total occupancy would then be 7,649 persons, and the average intensity would be 202 persons per acre.

Recent research by Mead and Hunt indicates an average occupancy of one person per 110 to 115 square feet for shopping centers that include food service establishments. If an occupancy level of one person per 115 square feet is assumed for the retail portions of this project, the 394,116 square foot retail area would accommodate 3,427 persons. Adding the restaurant occupancy of 1,080 persons would result in an on-site population of 4,507 persons and an average intensity of 119 persons per acre.

In determining single-acre occupancy, staff would note that two of the retail stores, “Major A” and “Major F”, each cover over an acre of land. Assuming that these are single-story stores, the maximum single-acre intensity would be (43,560 divided by 30, divided by 2), or 726 persons. Use of the alternative approach from the previous paragraph (similar to the methodology adopted for French Valley) would indicate a

single-acre intensity of 379 persons within either of these stores if edibles are sold therein.

**Draft March Joint Land Use Study (November 2005):** The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts this property as being within Airport Zones D and E, where intensities would not be restricted, although major spectator oriented sports stadiums, amphitheatres, and concert halls would be discouraged. Additionally, no restrictions on residential densities are proposed in either Airport Zone D or Airport Zone E. (It should be noted that these zones are much more extensive in terms of distance from the airport and its extended runway centerline than similarly labeled zones at the various general aviation airports in Riverside County.)

PART 77: The maximum elevation at this site would not exceed 1,467 feet above mean sea level (AMSL), and the proposed maximum structure height as depicted on the elevations would not exceed 51 feet. Thus, the expected highest point of any building or sign would not exceed 1,518 feet AMSL. The runway elevation at its southerly end is 1,488 feet AMSL. At a distance of 13,120 feet from the runway, any structure over 1,619 feet top elevation would require FAA review. FAA review is not required for this project.

Noise: The site lies outside the 60 CNEL contour. No special noise mitigation measures are required for the commercial development. Future residential development facilitated by the general plan amendment and zone change should be designed to provide for interior noise levels not exceeding 45 dB CNEL.

### **CONDITIONS:**

1. Prior to recordation of a final map, issuance of building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an aviation easement to the MARB/MIP Airport or provide documentation to the City of Perris and the Airport Land Use Commission that such conveyance has previously been recorded. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)
2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
3. The following uses shall be prohibited:
  - a. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - b. Any use which would cause sunlight to be reflected towards an aircraft

engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

- c. Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The attached notice shall be given to all prospective buyers and tenants of the real property and the proposed structures.



**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.1 ~~3.3~~ 6.1

**HEARING DATE:** February 14, 2008 ~~January 10, 2008~~ ~~December 13, 2007~~  
(continued from January 10, 2008, ~~December 13, 2007~~ and  
November 8, 2007)

**CASE SUMMARY**

**CASE NUMBER:** ZAP1022BD07 – Iland Development  
**APPROVING JURISDICTION:** County of Riverside  
**JURISDICTION CASE NO.:** Plot Plan No. 22915

**MAJOR ISSUES:** Location of a structure that is not an aviation-related use within Airport Zone A and less than 250 feet from the runway centerline. The Airport Permit for Bermuda Dunes Airport includes a variance for structures northerly of the airport allowing structures not greater than 25 feet in height at a setback of 125 feet from the runway centerline. It would be preferable if the project were designed so as to place the building closer to Country Club Drive and the parking in the rear. This property lies at or near the easterly edge of the industrial area; development of the structure as proposed would extend the existing pattern.

~~In the event that documentation of submittal to the Federal Aviation Administration is available by the time of the hearing, the~~

*The Commission may wish to consider the facts of the case in order to determine whether the granting of a special conditions exception pursuant to Section 3.3.6 is appropriate in this situation. The granting of a special conditions exception in the case of a structure in Zone A should only occur following the completion of the FAA review.*

**RECOMMENDATION:** Staff recommends that the Airport Land Use Commission CONTINUE this matter to MARCH 13, February 14, 2008, January 10, 2008, pending completion of review by the Federal Aviation Administration pursuant to Aeronautical Study No. 2007-AWP-5943-OE.

~~open the public hearing, consider public testimony, provide direction to staff as to whether it would be willing to consider the granting of a special conditions exception given the current project design, and CONTINUE this matter to December 13, 2007, pending submittal to, and review by, the Federal Aviation Administration.~~

(Alternatively, if the Commission finds that the granting of a special conditions exception would not be appropriate in this case, staff would recommend a finding of INCONSISTENCY, based on the encroachment of the structure into Airport Zone A.)

**In the event that the Commission chooses to find this proposal consistent with the ALUCP pursuant to Policy 3.3.6, or in the event that the Commission finds the proposal inconsistent with the Bermuda Dunes ALUCP but is overruled by the Riverside County Board of Supervisors or its successor-in-interest, staff would recommend that the conditions included in this staff report be applied.**

**UPDATE: The applicant ~~has~~ submitted Form 7460-1 to the Federal Aviation Administration on September 25, 2007, and review is in progress.**

**PROJECT DESCRIPTION:**

The project is a Plot Plan for the development of a 19,388 square foot industrial/office building for multi-tenant use (7,388 square feet to be basement area, primarily underground parking) on a 0.66-acre site. The floor plan indicates that the project would include 5,890 square feet of office space and 6,110 square feet of manufacturing/fabrication area. The basement would include the parking garage, elevator, elevator lobby, staircases, and a machine room.

**PROJECT LOCATION:**

The site is located southwesterly of Country Club Drive, northeasterly of Bermuda Dunes Airport, easterly of Adams Street, and westerly of Jefferson Street in the community of Bermuda Dunes in the County of Riverside, approximately 132 feet northeasterly of Runway 10-28 at the Bermuda Dunes Airport.

**LAND USE PLAN :** 2004 Bermuda Dunes Airport Land Use Compatibility Plan

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Airport Zones A and B2
- c. Noise Levels: Greater than 65 dB CNEL at ultimate traffic level

**BACKGROUND:**

Land Use Intensity: The proposal is a Plot Plan for a 19,388 square foot office and industrial building on a 0.66-acre site. The site is split by the boundary between Airport Zone A and Airport Zone B2. Airport Zone A prohibits all structures except those with location set by aeronautical function. Airport Zone B2 allows an average non-residential intensity of 100 persons per acre with clustering on a single acre of up to 200 persons. In this case, the site is less than one acre in area, so the single-acre clustering allowance is not applicable. With a total site area of 0.66 acre, the maximum number of persons that would be allowed on the site if the site were entirely in Airport Zone B2 is 66 persons. However, most of the site (0.40 acre) is in Airport Zone A, with only 0.26 acre of net area in Airport Zone B2. This would allow a total of 26 persons. However, the intent of the intensity standards is to consider the site's gross acreage in reviewing nonresidential intensity. The adjacent part-width of Country Club Drive provides an additional 0.21 acre, allowing an intensity of 47 persons.

The project proposes 36 parking spaces (21 surface and 15 underground), which would translate as

54 persons using the standard parking space methodology of 1.5 occupants per parking space. However, information from ALUC consultant Mead & Hunt indicates that, for work trips, vehicle occupancy is closer to 1.1 or 1.2 persons per vehicle, which would translate as 40 to 43 persons.

Based on the information included in the floor plan, the project includes 5,890 square feet of office uses and 6,110 square feet of fabrication uses, with the 7,388 square feet of remaining area constituting a parking garage, with a machine room, elevator, elevator lobby, and staircases. Pursuant to Appendix C, maximum capacity of office areas is one person per 100 square feet, and maximum capacity of manufacturing areas and parking garages is one person per 200 square feet. Utilizing the UBC method, with the 50% reduction, the office areas would accommodate 29 persons, and the manufacturing area and parking garage would accommodate 34 persons, for a total intensity of 63 persons. However, provided that the underground parking is restricted to employees' vehicles, it may be argued that the garage would not be fully occupied at the same time as the office and fabrication areas. If the basement area is discounted, total occupancy is reduced to 45 persons, which would be consistent with the overall allowable intensity when one considers the gross acreage in Airport Zone B2.

Airport Zone A: The major issue for this project is that Airport Zone A, as mapped on the Bermuda Dunes Airport Land Use Compatibility Plan (BDALUCP) extends onto this property to a depth of 118 feet. The project as designed is inconsistent with the provisions of the BDALUCP and the Countywide Policies, which prohibit new occupiable buildings in Airport Zone A. The building is entirely within Airport Zone A, with the outdoor parking in Airport Zone B2. The project should be designed so as to place the building along Country Club Drive, with parking in the rear. The proposed building encroaches approximately 102 feet into Airport Zone A. While it may not be possible to eliminate encroachment into Zone A, a redesign that places the building at the front of the property would reduce the proportion of the building extending into Airport Zone A.

While Kenneth Brody of Mead & Hunt has previously verified that Airport Zone A at this location extends a distance of 250 feet from the centerline of the runway, it should be noted that Airport Manager Mike Smith has previously advised that the boundary of Airport Zone A should have reflected the variance in the State Airport Permit whereby the primary surface extends to a distance of 125 feet from the runway centerline, and objects beyond this limit may be up to 25 feet in height. The variance in the permit is for "existing...imaginary surface penetrations", but has been interpreted as applicable to all lots in the industrial park, including vacant lots.

Noise: The site is subject to extremely high noise levels from aircraft operations due to its proximity to the runway. Noise levels are projected to exceed 65 CNEL at ultimate traffic levels; consequently, the site would not be suitable for residential or other noise-sensitive uses. In accordance with criteria for Airport Zone B2, the structure will be required to be designed to provide a minimum noise level reduction of 25dB for the office portions of the building construction.

PART 77: The ground level elevation of the site is 52 feet above sea level. The height of the structure is 24 feet, so the height at top of structure may be as high as 76 feet. The runway elevation at its easterly end is 45.1 feet above sea level. At a distance of 147 to 148 feet from the runway, any structure with an elevation greater than 46 feet above sea level is subject to aeronautical review by

the Federal Aviation Administration. FAA review is required in this case.

In past studies, the FAA has determined that buildings in this area exceed obstruction standards, but that such buildings (provided that they are red obstruction lighted) may not have a substantial adverse effect on the safe and efficient utilization of airspace due to location in an area of previously studied structures of similar height. These reviews have referenced the variance in the State Airport Permit “for existing penetrations 125 feet or more to the north of the runway centerline, with the additional conditions that no object subject to the variance shall exceed 25 feet in height above the nearest point of the runway elevation, and that all objects subject to the variance shall be red obstruction lighted.”

In past studies, the FAA has also commented that this airport is “not listed in the National Plan of Integrated Airports (NPIAS), because it can never meet FAA Airport Design Standards contained in FAA Advisory Circular 150/5300-13, Change 8” and that the inability to meet these design standards is partially due to “the existing tree line and existing buildings which have previously been located in the FAA Part 77 Primary Surface and the Obstacle-Free Area (OFA).”

Additional Design/Layout Considerations: From an airport land use compatibility planning perspective, the layout is not the most preferable. The Compatibility Plan recommends that structures be located a maximum distance from the runway, which would be better accomplished by siting the structure at the front of the property (along Country Club Drive), with parking in the rear.

#### **CONDITIONS:**

1. Prior to issuance of building permits, the landowner shall ~~convey record the conveyance of~~ an aviation easement to Bermuda Dunes Airport, **which shall be recorded. Copies of the aviation easement, upon recordation, shall be forwarded to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.**
2. Noise attenuation measures shall be incorporated into the office areas of the building construction to ensure a minimum noise level reduction of 25dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
3. The following uses shall be prohibited:
  - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or red light obstruction marking in accordance with the conditions specified herein.
  - b. Any use which would cause sunlight to be reflected towards an aircraft

engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

- c. Any use which would generate smoke or water vapor or which would attract a large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - d. Any use which would generate electrical interference that may be detrimental to any operation of aircraft and/or aircraft instrumentation.
  - e. **Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.**
4. The attached notation regarding proximity to the airport shall be given to each potential property purchaser or tenant.
  5. The maximum floor area utilized for office space shall not exceed 5,980 square feet, with the remaining aboveground areas used for manufacturing, fabrication, storage, or warehousing. Basement areas shall not be rented or leased separately, and no person shall maintain an office in the basement.
  6. The maximum height of the proposed building shall not exceed 24 feet above ground level, and the maximum elevation at the top of structure shall not exceed 76 feet above mean sea level, unless a greater top point elevation is approved by the Federal Aviation Administration through the Form 7460-1 process.
  7. Prior to the issuance of building permits, the permittee shall submit documentation demonstrating that the Federal Aviation Administration has issued a finding that the proposed building will not be a hazard to air navigation.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.2 4+1

**HEARING DATE:** *February 14, 2008* ~~January 10, 2008~~ (continued from *January 10, 2008* and December 13, 2007, with re-advertisement for the January hearing.)

**CASE SUMMARY**

**CASE NUMBER:** ZAP1024BD07 – Rob, Tom, and Jill Rosztoczy

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** CZ07530 (Change of Zone) (*found consistent on January 10*) and PP22846 (Plot Plan)

**MAJOR ISSUES:** Single-acre intensity is an issue in relation to the plot plan, utilizing the standard Uniform Building Code Method, due to the retail sales component of the project. ~~Additionally, the change of zone, which would have been found consistent, is being amended, with the applicant and County Planning staff determining that the desired zoning is Manufacturing-Service Commercial, rather than Industrial Park.~~ In addition to the intensity issue, the *building plot plan* requires FAA review. The building is proposed to be located directly below the extended runway centerline.

**RECOMMENDATION:** ~~Staff recommends that this project be CONTINUED to January 10, 2008, for re-advertising to reflect the revised change of zone request.~~

*Staff recommends a finding of CONSISTENCY for the change of zone to either I-P or M-SC, but*

*Staff recommends CONTINUANCE of the plot plan to March 13, 2008, ~~February 14, 2008~~, unless (a) the Commission is willing to accept the applicant's offer to agree to a limit on building occupancy and (b) the FAA has received valid information as to project coordinates, so as to enable the conduct of an aeronautical study, in which case staff would recommend a finding of CONDITIONAL CONSISTENCY for the plot plan, pending FAA approval, subject to the conditions included in this staff report and such additional conditions as may be required pursuant to the terms of the FAA determination.*

**PROJECT DESCRIPTION:**

As submitted to ALUC, ZAP1024BD07 is a proposal to change the zoning of this 4.03-4.08 acre property from R-1-12,000 (One-family Dwellings, 12,000 square foot minimum lot size) to I-P (Industrial Park), and to develop an 18,000 square foot building for the sales and service of lawn mowers and turf equipment (John Deere dealership). **The proposal has since been amended to propose M-SC (Manufacturing-Service Commercial) zoning, and it has been clarified that the dealership would predominantly sell turf maintenance equipment (such as fairway mowers,**

riding greens mowers, and tractors) to golf courses.

*UPDATE: The change of zoning to either I-P or M-SC was determined to be consistent by the Airport Land Use Commission at its January 10, 2008 hearing. Consideration of the plot plan was continued to the February 14 meeting.*

### **PROJECT LOCATION:**

The site is located southerly of Country Club Drive and westerly of Carter Lane, in the unincorporated Riverside County community of Bermuda Dunes, approximately 2,904 feet northwesterly of the northwesterly terminus of Runway 10-28 at Bermuda Dunes Airport.

**LAND USE PLAN :** 2004 Bermuda Dunes Airport Land Use Compatibility Plan

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Airport Zone B1
- c. Noise Levels: 60-65 dB CNEL

### **BACKGROUND:**

Land Use Intensity – Single-Acre Intensity: The maximum single-acre intensity permitted in Airport Zone B1 pursuant to the Countywide Policies section of the 2004 Riverside County Airport Land Use Compatibility Plan is 50 persons. The use of risk-reduction design measures may allow for a bonus of up to 30%, resulting in a total allowance of 65 persons. The entire building is located within a single acre of the property. The building is comprised of a 3,797 square foot showroom, a 1,327 square foot parts area, 1,515 square feet of offices, administration, and library space, a 354 square foot break room, a 143 square foot locker room, 3,236 square feet of service area, 6,459 square feet of storage area, and miscellaneous areas including restrooms, hall, and janitorial rooms. **In a letter dated December 6, 2007, Mr. Doug Jacobs, AA Equipment General Manager, advised that the “size of the showroom was determined not by the amount of people that would be occupying it at any one time, but by the size of equipment that would be displayed in this area.”**

Based on the Uniform Building Code method **and Appendix C**, the full intensity of this building is 106 persons, counting the showroom as a retail area, the service area as a fabrication area, the parts and storage areas as storage areas, and the break room as a conference area. This single-acre intensity is acceptable in Airport Zone C, but is not allowed in Airport Zone B1.

The project could potentially be found consistent in the future if the Bermuda Dunes Airport Land Use Compatibility Plan were amended to allow a single-acre intensity of 80 persons in Airport Zone B1, and if the showroom were evaluated on the basis of one person per 170 square feet. Based on the existing standard of one person per 30 square feet, with a 50% reduction, the retail portion of the building accounts for 63 of the 106 occupants. Using a revised standard of one person per 170 square feet, the retail portion would account for 22 persons, thereby reducing overall occupancy to 65 occupants. If one makes the added assumption that the break room and the offices would not be

utilized at maximum capacity at the same time, this would further reduce total occupancy to 53 persons.

(It should also be noted that the Commission may grant a risk-reduction design bonus of up to 30% [15 persons, so as to allow a single-acre intensity of 65 persons] for use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls. Thus, if the project qualified for a full 30% intensity bonus and if the retail area is evaluated at one person per 170 square feet, the project intensity could be found consistent with the Zone B1 single-acre intensity standard.)

The applicant noted on page 1 of the application that the number of employees on-site is not expected to exceed fifteen (15), and that it would be rare for there to be more than a handful of customers in the building, since the equipment is marketed to golf courses rather than homeowners. If, in fact, the number of employees at any one time does not exceed fifteen and the number of customers does not exceed thirty-five (35), the project would, in fact, be consistent. However, staff cannot confirm that the project would meet the single-acre intensity criteria in the absence of the imposition of conditions that the County would have to enforce or documentation of these limits from the applicant.

**In his letter dated December 6, 2007, Mr. Jacobs indicated that he would have no objection to “posting a sign on the front entrance door, which would state that the maximum occupancy of the building is 50 people....” In the event that the Commission is willing to accept the applicant’s offer to agree to a limit on building occupancy, staff has included special conditions limiting the maximum number of persons in the structure at any given time to not more than 50 persons and limiting the size of the retail sales display area or showroom to 3,797 square feet.**

Land Use Intensity – Average Intensity: The applicant proposes an 18,000 square foot building on a property in Airport Zone B1. Airport Zone B1 allows an average non-residential intensity of 25 persons per acre with clustering on a single acre of up to 50 persons. With a total site area of 4.03 acres, the maximum number of persons that would be allowed on the site is 101. The intent of the nonresidential intensity standards is to consider the site’s gross acreage in reviewing nonresidential intensity. The adjacent street half-widths provide an additional 0.75 acre, resulting in a gross acreage in Zone B1 of 4.78 acres, and an allowable total intensity of 119 persons.

The applicant originally proposed 44 parking spaces, which would translate as 66 persons using the standard parking space methodology of 1.5 occupants per parking space. Therefore, the project initially met average intensity standards using the parking space method. However, the applicant ~~has recently~~ **subsequently** amended the plot plan to provide for 65 parking spaces at the request of the County Planning Department, which would indicate a total intensity of 98 persons. (ALUC staff ~~would question~~ **questioned** the need for 65 parking spaces if only 50 people will be in the building.) **More recently, the Planning Department agreed to reduce the required number of parking spaces, and the applicant’s architect is now designing a site plan providing for 35 parking**



**spaces.**

As stated above, use of the Uniform Building Code method results in a total occupancy calculation of 106 persons (**22 persons per acre**), which is still consistent with the average intensity limitations **when gross acreage is considered.** .

Noise: The site is subject to high noise levels from aircraft operations due to its proximity to the runway. Noise levels are projected to exceed 60 CNEL on the property. However, the sales and service of lawn mowers and turf equipment are not noise-sensitive uses. Therefore, noise attenuation is not required for this specific land use.

Extended Runway Centerline: The extended runway centerline of Bermuda Dunes Airport crosses the southwesterly portion of the property, such that it may be expected that aircraft would fly directly over the proposed structure. The project design does not meet the criterion that buildings be sited a maximum distance from the extended runway centerline.

**In his letter of December 7, Mr. Jacobs advised that the placement of the building on the property was affected by the County's requirement for "enough room for emergency vehicles to move around the perimeter of the building" and by the recommendation of the Bermuda Dunes Community Council that the building be set back from the street so as to minimize noise and lighting impacts on neighboring properties.**

PART 77: The applicant has indicated that the pad elevation would not exceed 95.5 feet above mean sea level, and that the structure would not exceed a height of 26 feet, for a height at top of structure not exceeding 121.5 feet above mean sea level. The runway elevation is 73.4 feet above mean sea level at its northwesterly terminus. At a distance of 2,904 feet from the runway, any structure exceeding an elevation of 102.4 feet above sea level at top point requires FAA review. FAA notice and review is required for this project. **As of December 27, 2007, the applicant has not submitted for FAA review.**

**CONDITIONS:**

1. Prior to issuance of building permits, the landowner shall convey an avigation easement to Bermuda Dunes Airport, which shall be recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.
2. The following uses shall be prohibited:
  - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or red light obstruction marking in accordance with the conditions specified

herein.

- b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - c. Any use which would generate smoke or water vapor or which would attract a large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, composting operations, fly ash disposal, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.
  - d. Any use which would generate electrical interference that may be detrimental to any operation of aircraft and/or aircraft instrumentation.
  - e. Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor nonresidential uses, **aboveground bulk storage of hazardous materials**, and aboveground bulk storage of 6,000 gallons or more of ~~hazardous or~~ flammable materials.
3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655, as applicable. Outdoor lighting plans shall be transmitted to the airport manager for review and comment. (Failure to comment within thirty days shall be considered to constitute acceptability on the part of the airport manager.)
  4. The attached notation regarding proximity to the airport shall be given to each potential tenant.
  5. The Riverside County Planning Department shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in the proposed structure:

Retail sales other than sales of lawn mowers and turf equipment, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms with capacities of 25 or more persons, dining rooms, exhibit rooms (other than for retail sales), restaurants, drinking establishments, gymnasiums, lounges, gaming, bowling alleys, classrooms, courtrooms, dormitories, swimming pools, skating rinks, locker rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A.

6. The maximum number of persons permitted in the structure at any given time shall not exceed fifty (50) persons.
7. The size of the retail sales display area or showroom shall not exceed 3,797 square feet.
8. Prior to issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for the proposed building and shall have received a determination of "Not a Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.3 ~~3.5~~ 4.8

**HEARING DATE:** *February 14, 2008* ~~January 10, 2008~~ (continued from *January 10, 2008 and* December 13, 2007)

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1031RI07 – Riverside Auto Auction/Manheim Auto Auction

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** Conditional Use Permit: P07-1121

**MAJOR ISSUES:** ~~Insufficient information regarding uses within the existing building was provided to enable a~~

A determination of consistency with the Airport Zone B2 single-acre intensity standard limiting intensity to 200 persons *depends upon intensity assumptions for the lobby, vestibule, waiting area, and cafeteria within the building.*

**RECOMMENDATION:** ~~Staff recommends CONTINUANCE to February 14, 2008 January 10, 2008, pending receipt of additional information regarding floor plans for the existing building and the building as modified.~~

*The floor plans submitted do not appear to coincide with the presumed configuration of the building, as judged by the aerial photo. Additionally, staff has been provided with differing information regarding the square footage of the building. It is not clear that sufficient information can be provided without a tour of the existing building, floor plans in hand. Staff recommends CONTINUANCE to March 13, 2008 unless these discrepancies can be resolved prior to the February 14 public hearing.*

*Staff recommends that the Commission open the public hearing, consider testimony, and determine how to treat the lobby, vestibule, waiting room, and cafeteria relative to intensity assumptions for this land use. If these areas are considered as having the intensity attributed by Uniform Building Code (with a 50% reduction), staff would have to recommend a finding of inconsistency based on these areas. Without these areas and uses, the intensity would be consistent.*

**PROJECT DESCRIPTION:** Conditional Use Permit No. P07-1121 (associated with Design Review Case No. P07-1123) proposes to add 4,740 square feet of additional floor space to an existing building with ~~51,120 square feet of building area~~ on an 8-acre site. *Staff was initially advised that the existing building included 51,120 square feet of floor area. However, the floor*

*plans provided to staff indicate an initial floor area of 19,826 square feet, with an existing addition of 3,552 square feet. A separate sheet depicts an area of 13,873 square feet, including 2,410 square feet of office area and 11,463 square feet of auction area, but the latter area may not be in an enclosed building.*

**PROJECT LOCATION:** The site has an address of 6446 Fremont Street and is located on the west side of Fremont Street, northerly of Central Avenue, in the City of Riverside, approximately 1,122 feet northerly of Runway 9/27 at Riverside Municipal Airport.

**LAND USE PLAN:** 2005 Riverside Municipal Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Airport Zones B2 and D
- c. Noise Levels: 55-65 CNEL (The 60 CNEL contour crosses the site.)

**BACKGROUND:**

Nonresidential Single-Acre Intensity: The site is located in Airport Zones B2 and D; however, the proposed building addition would be located in Airport Zone B2. Nonresidential intensity in Airport Zone B2 is restricted to an average of 100 persons per acre and a maximum of 200 persons in any given acre.

(A risk-reduction design bonus is available, which would allow a single-acre intensity up to 260 persons with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls.)

Pursuant to Appendix C, Table C-1 of the Riverside County Airport Land Use Compatibility Plan, the intensity of retail areas has been determined to be one person per 30 square feet, the intensity of offices has been determined to be one person per 100 square feet, and the intensity of storage areas has been determined to be one person per 300 square feet. Application of the 50% factor converts these intensity numbers to one person per 60, 200, and 600 square feet, respectively.

~~Based on the information presented, approximately 3,510 square feet of the addition is office area, with the remainder of the addition (1,230 square feet) being an “expanded sales area”. The total intensity of the addition, then, would be  $(3,510 \text{ divided by } 100, \text{ divided by } 2) + (1,230 \text{ square feet divided by } 30, \text{ divided by } 2) = 17.55 + 20.5 = 38.05 \text{ persons.}$~~

~~We also know that the building is one story in height. On that basis, if the existing building, were entirely comprised of office space, the maximum existing single-acre intensity would be  $(43560 \text{ divided by } 100, \text{ divided by } 2)$ , or approximately 218 persons. However, staff does not have~~

sufficient information to verify all of the uses in the existing building, or the locations of these uses relative to the area of the building where the addition is proposed.

*Based on the floor plans submitted, it appears that the original building included 12,664 square feet of office area, 2,650 square feet of retail area, 1,864 square feet of waiting and lobby areas, and a 2,618 square foot cafeteria (including 855 square feet of commercial kitchen area). The previous addition consisted of 2,030 square feet of retail area and 1,522 square feet of office area. The current proposal would add 3,126 square feet of new office space, while eliminating or converting 1,433 square feet of office space, for a net increase of 1,693 square feet of office space. Additional areas to be added would include a 667 square foot conference room, a 480 square foot vestibule, 279 square feet of storage rooms, and a 160 square foot mechanical room. The sales area would be expanded by 529 square feet, the cafeteria would be expanded by 476 square feet, and the lobby would be expanded by 159 square feet.*

*Based on the configuration of the building, a portion of the office area in the previous addition would not be located in the same single-acre area as the current proposal. Based on the information presented, if the waiting, lobby, and cafeteria areas are excluded from the calculation, the single-acre intensity is 197 persons, which is consistent.*

*However, if one assumes that the waiting area, lobby, and vestibule are occupied on the basis of one person per 14 square feet (after the 50% reduction), the 2,533 square foot combined area would have an occupancy of 181 persons, and the 2,239 square feet of cafeteria serving area (after the 50% reduction) would have an occupancy of 75 persons. This would raise the single-acre occupancy to 453 persons, which would not be consistent. Much depends on the regular usage of waiting area, lobby, and vestibule. If these areas are the site of queues during auction days, the higher intensity assumption may be appropriate. Additionally, it is not known whether cafeteria use is restricted to employees stationed at the building.*

*An additional option that could be explored is the question of whether the applicant would be willing to abide by, and whether the City might be willing to enforce, a capacity limit of 200 within the expanded building. In that event, a finding of Conditional Consistency could be made.*

Nonresidential Average Intensity: Nonresidential average intensity is restricted to 100 persons per acre within Airport Zones B2 and D. Since the site is 8 acres in area, average intensity is in compliance provided that the total number of people on-site does not exceed 800 persons. This project easily complies with this standard.

**The applicant did submit additional information indicating that there is an additional existing building in the northerly portion of the site, but the additional existing building is well removed from the proposed building and would not impact single-acre intensity calculations. Upon further review, it was determined that the additional building is located on contiguously owned property, not within the 8-acre parcel that includes this building.**

Noise: The site is located within the area subject to average aircraft noise levels of 55-65 CNEL; therefore, a 25 dB noise reduction shall be required for office areas of the building.

PART 77: No grading plans indicating finished floor elevations were submitted with the ALUC application. Elevations on the 8-acre site range as high as 860 feet above mean sea level (AMSL). The structure height is 16 feet, 4 inches, but a flagpole may extend to a height of 25 feet. This would appear to indicate a top elevation as high as 885 feet AMSL. The elevation at the easterly end of the runway is 815 feet AMSL. At a distance of 1,122 feet from the runway, any building with an elevation at top of roof exceeding 826 feet AMSL would require FAA review. Therefore, staff has asked the applicant to submit Form 7460-1 to the FAA for review.

***In the event that the City of Riverside chooses to overrule a determination of inconsistency, the City should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the Riverside Municipal Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.***

**CONDITIONS:**

1. Prior to issuance of building permits, the landowner shall convey an avigation easement to the City of Riverside as owner-operator of Riverside Municipal Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and the City Planning Department.
2. Prior to issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for the proposed building addition and shall have received a determination of “Not a Hazard to Air Navigation” from the FAA. Copies of the FAA determination shall be provided to the City of Riverside Planning Department and the Riverside County Airport Land Use Commission.
3. Noise attenuation measures shall be incorporated into the office areas of the building to ensure a minimum noise level reduction of 25 dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
4. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
5. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight

final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, fly ash disposal, composting operations, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
6. The City of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses on the site or in the structure proposed through this conditional use permit and design review:
- Auction rooms *within an enclosed structure*, auditoriums, dance floors, lodge rooms, reviewing stands, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, swimming pools, skating rinks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.
7. The attached notice shall be provided to all potential purchasers of the property and tenants of the building.
8. Any new detention basins or retention basins shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.



Staff Report  
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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.4 ~~3.3~~ 4.3

**HEARING DATE:** February 14, 2008 ~~January 10, 2008~~ (continued from January 10, 2008 and December 13, 2007)

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1008FV07 – Wilshire Greenway I, LLC

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** SP00284A3 (Specific Plan Amendment), CZ07596 (Change of Zone), PP23146 (Plot Plan), PM29509 (Parcel Map)

**MAJOR ISSUES:** Single-acre intensities exceed Zone C criteria in portions of the site, most notably in the area of the two-story office buildings K and L. These intensities are up to 224 persons per acre. The problems appear to be surmountable through redesign or reallocation of land uses and structures and/or demonstration of eligibility for risk-reduction and/or open land bonuses. The project does meet the average intensity standard. FAA review is required for at least some of the structures at this location.

**RECOMMENDATION:** Staff recommends CONTINUANCE to March 13, 2008 ~~February 14, 2008~~ ~~January 10, 2008~~ to allow for submittal to the Federal Aviation Administration and to allow for further design modifications and submittal of additional information from the applicant. ~~study and possible redesign or reallocation of land use in portions of the site.~~

Staff's recommendation may change in the event that the necessary information is submitted prior to the hearing.

**UPDATE:** This item was continued without discussion from the December 13 agenda in order to allow for redesign or reallocation of uses or structures in the vicinity of Buildings K and L, and to allow for FAA review. Staff met with two project representatives on December 18 to discuss these concerns. Staff is awaiting further information from the applicant as of January 2, 2008. Staff has recommended the preparation of a site plan that depicts airport zone boundaries on the site.

**UPDATE II:** *On January 24, 2008, staff met again with the two project representatives, the project architect, the applicant, and representatives of the County Planning Department and Economic Development Agency. It was indicated at that meeting that ALUC staff would be provided with (1) documentation regarding each building corner's maximum elevation and distance of runway (or, alternatively, verification of FAA submittal); (2) more precise information regarding building square footage within the single-acre areas of greatest concern; and (3) a request for use of the risk-reduction design bonus with appropriate documentation. As of*

*January 30, this information has not been received.*

**PROJECT DESCRIPTION:** Plot Plan No. 23146 proposes to establish a mixed use commercial, office, and industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres). SP00284A3 proposes to change the Specific Plan designation of the site from Office/Industrial Park to Commercial/Office/Industrial Park, and from Industrial Park to Commercial/Industrial Park. CZ07596 proposes to amend the zoning ordinance for Specific Plan No. 284 to allow commercial uses in Planning Areas 1 and 2. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel.

**PROJECT LOCATION:** The site is located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley, approximately 1,762 feet northeasterly of Runway 18-36 at French Valley Airport.

**LAND USE PLAN:** 2007 French Valley Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Airport Zones C, B1, and D (predominantly in Airport Zone C)
- c. Noise Levels: From below 55 CNEL to 60 CNEL (The site is crossed by the 55 CNEL contour.)

**BACKGROUND:**

Nonresidential Average Intensity: The site is located predominantly in Airport Zone C, but includes small areas in Airport Zones B1 and D. In net acreage, the site includes 32.84 acres in Airport Zone C, 0.93 acre in Airport Zone D, and 0.21 acre in Airport Zone B1. Nonresidential intensity in Airport Zone C is restricted to an average of 80 persons per acre and a maximum of 160 persons in any given acre. (A risk-reduction design bonus may be applied, which, if granted, would allow a single-acre intensity up to 208 persons.) The total allowable intensity for this site, based on net acreage, would be 2,774 persons.

The applicant is proposing 102,200 square feet of office space, 73,500 square feet of retail space, two additional retail or restaurant pads totaling 5,700 square feet, and 146,300 square feet of industrial space. Using this information, and assuming for this calculation only that all of the industrial space could be used as offices, a total site occupancy of 2,072 persons is projected, for an average intensity of 63 persons per net acre.

The applicant proposes to provide 1,241 parking spaces. Application of the standard 1.5 persons per vehicle factor results in a total occupancy of 1,862 persons and an average intensity of 57 persons per net acre, which is consistent with Airport Zone C.

Nonresidential Single-Acre Intensity: Nonresidential single-acre intensity is restricted to 160 persons in any given acre within Airport Zone C. This level may be increased to up to 208 with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls. ***The project architect has advised that he will prepare a letter requesting a risk-reduction design bonus and specifying the design features warranting the bonus.***

~~Staff review indicates~~ ***Staff's initial review indicated*** that single-acre intensity exceeds 220 persons (using the Building Code method, as modified by the French Valley Additional Compatibility Policies) in the southerly portion of the property, which features two two-story office buildings and a retail building. Additionally, single-acre intensities could exceed 180 persons in the retail areas in the northerly portion of the property.

A square acre that includes portions of Buildings K and L (both two-story buildings) includes up to 44,730 square feet of office space, which would have a projected occupancy of 224 persons. Additionally, a square acre that includes a portion of Buildings L and M includes up to 33,600 square feet of office space and 4,000 square feet of retail space, for a projected occupancy of 203 persons. ***The project representatives have indicated that their AUTOCAD program indicates that there will be less office square footage within the single-acre area than staff had assumed, and that this documentation will be provided.***

Noise: The site is located entirely outside the area subject to average aircraft noise levels greater than 60 dB(A) CNEL, but is crossed by the 55 CNEL contour. A minimum 20 dB exterior-to-interior noise level reduction will be required for office buildings at this location.

PART 77: Proposed finished floor elevations on the site range from 1,346 to 1,354.5 feet above mean sea level. Structures may be as high as forty-five (45) feet. This would appear to indicate a top elevation as high as 1,399.5 feet AMSL. The elevation at the northerly end of the runway is 1,347 feet AMSL. At a distance of 1,762 feet from the runway, any building with an elevation at top of roof exceeding 1,364 feet AMSL would require FAA review. **The site extends 2,586 feet from north to south, so some of the structures may not require FAA review. The applicant's representative has been asked to either (a) submit Form 7460-1 for each building or (b) provide a table demonstrating why specific structures would not require such a review.**

**In the event that the County of Riverside chooses to overrule a determination of inconsistency, the County should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the French Valley Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.**

**CONDITIONS:**

1. Prior to issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each building with an elevation at top point exceeding 1,364 feet above mean sea level and shall have received a determination of “Not a Hazard to Air Navigation” from the FAA. Copies of the FAA determination shall be provided to the County of Riverside Planning Department and the Riverside County Airport Land Use Commission.
2. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
3. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The County of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the structures proposed through this conditional use permit, except for the two freestanding pads:

Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, swimming pools, skating rinks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.
5. The attached notice shall be provided to all potential purchasers and tenants *of the real*

*property and the proposed buildings..*

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**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION  
STAFF REPORT**

**AGENDA ITEM:** 4.1

**HEARING DATE:** February 14, 2008

**CASE NUMBER:** ZAP1035RI07-Jurupa Western, Inc. and  
KDB Management Services, LLC

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P07-0381 (General Plan Amendment)  
P07-0382 (Zone Change)  
P07-1374 (Tract Map No. 35531)  
P07-1372 (PRD)

**MAJOR ISSUES:** The proposed General Plan Amendment, Zone Change, and Tract Map are all clearly inconsistent with Zone C compatibility criteria. The proposed density exceeds the Zone C maximum of one dwelling unit per five acres and exceeds the Zone C infill maximum of one dwelling unit per 2 1/2 acres.

**RECOMMENDATION:** Staff recommends a finding of INCONSISTENCY for the General Plan Amendment, Zone Change and Tract Map.

**PROJECT DESCRIPTION:**

A proposal to change the land use designation on 5.29 acres from Commercial to Medium Density Residential, to rezone the property from CR (CR-Commercial Retail) to R-1-7,000 (Single Family Residential, 7,000 square foot minimum lot size), and to construct a 14-building, 42- unit, planned residential community through Tract Map 35531 subdividing the property for the establishment of condominium units.

**PROJECT LOCATION:**

The project site is located at the southeast corner of Jurupa Avenue and Tyler Street, northerly of Arlington Avenue, approximately, 8,283 feet northwesterly of Runway 9-27 at Riverside Municipal Airport in the City of Riverside.

**LAND USE PLAN:** 2005 Riverside Municipal Airport Land Use Compatibility Plan (RMALUCP)

Adjacent Airport:

a. Airport Influence Area: Riverside Municipal Airport

- b. Land Use Policy: Airport Zone C  
c. Noise Levels: 55-60 CNEL.

**BACKGROUND:**

Land Use-Residential Density: The site is located in Airport Zone C of the Riverside Municipal Airport Influence Area. Pursuant to Countywide compatibility criteria, Zone C allows a density of 0.2 dwelling units per acre or one dwelling unit per 5 acres. The project has an overall density of 7.9 dwelling units per net acre (5.87 units per gross acre including adjacent street half-widths), which is acceptable in Zone D, but not in Zone C.

Section 3.3.1 allows infill development of similar land uses where development not in conformance with Compatibility Plan criteria already exists. The parcel size is smaller than 20 acres, and 65% of the site's perimeter is bounded (disregarding roads) by intermediate density residential development. However, pursuant to Section 3.3.1 (b), the average development density shall not exceed "double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A" (Countywide Policies, pages 2-18 and 2-19). Therefore, the maximum allowable intensity even if all five infill criteria were met would be  $(0.2 \times 2) = 0.4$  dwelling units per acre, or one dwelling unit per 2 ½ acres.

(Additionally, the project would not meet the third infill criteria in that it would extend the perimeter of the area defined by the surrounding, already developed, incompatible uses [densities].)

The general plan amendment and change of zone are also inconsistent in that they would specifically provide for a residential density that is not consistent with Airport Zone C compatibility criteria. While the Riverside Municipal Airport Land Use Compatibility Plan does include Additional Compatibility Policies that differ from Countywide standards, none of these Additional Compatibility Policies address residential densities in Airport Zone C.

Noise: The site is within the 55 CNEL contour. A minimum noise level reduction of 20dB in residences is required in Airport Zone C. Recommended conditions in the event of an overrule require incorporation of noise attenuation measures in proposed structures.

PART 77: The maximum proposed finished floor elevation at this site is 761 feet above mean sea level (AMSL), and the proposed maximum structure height is 30.7 feet. Therefore, the expected highest point of any structure would not exceed 792 feet AMSL. The runway elevation at its westerly end is 757.6 feet AMSL. At a distance of 8,283 feet from the runway, any structure over 840.4 feet top elevation would require FAA review. FAA review is not required for this project.

**In the event that the City of Riverside chooses to overrule a determination of inconsistency, the City should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the**



**Riverside Municipal Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.**

**CONDITIONS:**

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, and highly noise-sensitive outdoor uses.
3. The attached notice shall be provided to all potential purchasers and tenants.
4. Prior to final map recordation, the land owner shall provide documentation to the City Planning Department and the Riverside County Airport Land Use Commission that an aviation easement has been conveyed to the City of Riverside as owner-operator of Riverside Municipal Airport and has been recorded.
5. Noise attenuation measures shall be incorporated into structure design so as to provide an exterior-to-interior noise level reduction of 20dB, in order to ensure that interior noise levels from aircraft operations do not exceed 45 dB (A) CNEL.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 4.2  
**HEARING DATE:** February 14, 2008

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1046MA07 – Perris Alere LLC/First Industrial  
**APPROVING JURISDICTION:** City of Perris  
**JURISDICTION CASE NO:** DPR06-0432

**MAJOR ISSUES:** Lot coverage is 52.3% of gross area. The property is located partially within Accident Potential Zone II, and partially outside delineated Accident Potential Zones within Airport Areas I and II. U.S. Air Force AICUZ (Air Installation Compatible Use Zone) studies state “For most nonresidential usage [in Accident Potential Zones], buildings should be limited to one story and the lot coverage should not exceed 20 percent.” Staff has asked the applicant to prepare an amended site plan depicting the boundaries of Accident Potential Zone II on the property and the lot coverage within the portion of the property in Accident Potential Zone II. The 1984 Riverside County Airport Land Use Plan does not restrict commercial or industrial land use intensities, other than by prohibiting “high risk” land uses, including those characterized by “high concentrations of people”.

**RECOMMENDATION:** Staff recommends CONTINUANCE to March 13, 2008, to allow time for the applicant to prepare an exhibit overlaying the Accident Potential Zone on the site plan and identifying lot coverage within that portion of the property, as requested by staff. If lot coverage within the Accident Potential Zone exceeds 20%, staff would encourage the applicant to consider redesign in order to comply with the AICUZ recommendation.

**PROJECT DESCRIPTION:**

City Case No. DPR06-0432 proposes the development of a 642,072 square foot warehouse, with limited office areas at three corners of the building, on 28.2 acres.

**PROJECT LOCATION:**

The site is located northerly of Rider Street, westerly of Redlands Avenue (extended northerly from Rider Street), easterly of Johnson Avenue (right-of-way only), and southerly of the Metropolitan Water District right-of-way in the City of Perris, approximately 14,160 feet southeasterly of the southerly terminus of Runway 14-32 at March Air Reserve Base/Inland Port Airport.

**LAND USE PLAN:** 1984 Riverside County Airport Land Use Plan, as applied to March Air Reserve Base/Inland Port Airport.

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/Inland Port Airport
- b. Land Use Policy: Airport Areas I and II
- c. Noise Levels: 60-70 CNEL (from 2005 AICUZ Noise Contours)

**ADDITIONAL DOCUMENTS REVIEWED:**

Airport Installation Compatibility Use Zone Report, U.S. Air Force, 2005.  
DRAFT March Air Reserve Base/Inland Port Airport Joint Land Use Study

**BACKGROUND:**

Land Use – Safety Considerations: The proposed project site is located within Airport Areas I and II, as depicted on the map illustrated at [www.rcaluc.org](http://www.rcaluc.org) and is located partially within Accident Potential Zone II, as mapped in the 2005 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) study. The 1984 Riverside County Airport Land Use Plan (1984 RCALUP) states that the boundaries of Area I are based on the “imaginary approach surface defined by FAR Part 77, Objects Affecting Navigable Airspace, as the approach surface for the size and type of runways at each airport. These areas are always centered on the runway centerlines extended.”

Policy 1 in Chapter III of the 1984 RCALUP states that Area I shall be kept free of all “high risk land uses.” This policy is based on the following analysis included therein:

“The approach surfaces are specifically defined by Federal Aviation Regulations. These areas carry the highest volume of air traffic due to the fact that all aircraft have to align with these areas to land or take-off on the runways. Aircraft have a higher tendency to have problems within these zones due to changing power settings to take-off or land. The convergence of all aircraft landing and taking-off within these narrow zones also means that the noise levels are highest in these zones. Due to these factors and the accepted Federal definition of the boundary of these surfaces, the area was deemed inappropriate for housing and high risk land uses.”

High risk land uses are conceptually defined in Appendix B of the 1984 RCALUP titled HIGH RISK LAND USE EXAMPLES. Appendix B (a copy of which is attached) states that high risk land uses have one or more of the following characteristics:

- (1) high concentration of people,
- (2) critical facilities, and
- (3) flammable or explosive materials.

The 1984 Riverside County Airport Land Use Plan allows commercial and industrial development, other than high risk land uses, in Area I. Any type of commercial and industrial development is allowable in Area II.

The 2005 AICUZ study is based on a forecast of 69,600 annual operations (44,860 military, 21,000 civilian, and 3,740 California Department of Forestry) at March Air Reserve Base. The property is depicted as being partially within Accident Potential Zone II – an area located a distance of 8,000 to 15,000 feet from the runway threshold and within 1,500 feet from the extended runway centerline. Lot coverage is addressed in Appendix A, on page A-6, as follows: “For most nonresidential usage, buildings shall be limited to one story and lot coverage should not exceed 20%.”

In this case, while the building is one story in height, the design of the project provides for lot coverage of 52.3% of the site’s area. This is inconsistent with the Air Force recommendation. However, at this time, the lot coverage within the portion of the project in Accident Potential Zone II is unknown. The boundaries of the Accident Potential Zone within the property should first be determined.

A pertinent question is the intent of the coverage limit. The AICUZ studies do not include a specific limit on the number of persons per acre or allowable concentrations of people. If the intent is to limit person-intensity, this objective can be met by using persons per acre as a substitute intensity criterion. On the other hand, if the intent is to ensure sufficient open area to allow for emergency landing, this must be interpreted strictly. Discussions with Air Force representatives lead staff to believe that the coverage limit included in the AICUZ is intended to address both person-intensity and emergency landing concerns.

With regard to intensity, the structure would be utilized for warehousing, except for three widely separated offices of 6,000 square feet each. Using the Uniform Building Code method and applying the standard 50% reduction, staff projects a total intensity of 714 persons. With an area of 28.2 acres, the average intensity would be 25.3 persons per acre.

However, the lot coverage maximum, in addition to limiting intensity, also serves to provide for open area along the flight path. To the extent that lot coverage exceeds 20%, less open area is available in the event of an emergency landing.

The AICUZ study recommends that certain types of industrial uses be prohibited in APZ II, including the manufacturing of apparel and other finished products made from fabrics, leather, and similar materials, chemicals, rubber and plastic products, professional, scientific, and controlling instruments, photographic and optical goods, watches, and clocks. Additional prohibited uses would include: restaurants; hospitals, nursing homes, and other medical facilities; educational services; churches; resorts and group camps; amusements; and public assembly uses such as auditoriums, concert halls, amphitheatres, outdoor music shells, sports arenas and stadiums for spectator sport viewing.

The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts this property as being within Airport Zones B1 and C1. In the area southerly of March Air Reserve Base, the boundaries of Airport Zone B1 correspond with the boundaries of Accident Potential Zones I and II. Airport Zone B1 would limit average intensity outside APZ I to 50 persons per acre and single-acre intensity to 100 persons per acre.

The average intensity at this site is projected to be 25.3 persons per gross acre. The single-acre intensity will not exceed 68 persons in the most intense acre, provided that office areas are limited to those depicted on the site plan and that the remainder of the building is used for warehousing and distribution, as planned.

It should be noted that the lot coverage issue is not addressed in the 1984 Riverside County Airport Land Use Plan itself. Thus, it is technically possible to find a project consistent with the 1984 Riverside County Airport Land Use Plan, subject to specified conditions, even though the lot coverage exceeds 20%. However, it is the intent of the State Aeronautics Act that Airport Land Use Compatibility Plans take into account AICUZ recommendations for uses and intensities within the Accident Potential Zones. Last year, ALUC found an office project within an APZ inconsistent due to the lot coverage issue. (That project was later redesigned to comply with the 20% lot coverage maximum.) In another case, ALUC found low-intensity uses such as industrial and warehousing uses acceptable in a situation where lot coverage slightly exceeded 20%, but nearby open areas in the public domain compensated for the lot coverage.

Prohibited and Discouraged Uses: The applicant does not propose any of the uses specifically listed in Appendix B as being prohibited uses in Area I.

Part 77: Finished floor elevations or pad elevations were not provided for this project; however, the site is located between the 1440 and 1460 foot contours. The height of the tallest portion of the building as depicted on project elevations would not exceed 41 feet. Thus, the highest point would be expected to be approximately 1,501 feet AMSL. The elevation of the runway at its southerly end is 1,488 feet AMSL. At a distance of 14,160 feet from the runway, any structure above 1,629 feet AMSL top elevation would require FAA aeronautical review. In this case, FAA review is not required.

Noise: Average noise levels on this site from aircraft operations would exceed 65 CNEL in portions of the site, and would exceed 60 CNEL in the remainder of the site. (Single-event noise levels would, of course, be considerably greater.) Mitigation is required to provide for an acceptable acoustical environment within the offices.

**In the event that the City of Perris chooses to overrule a determination of inconsistency for the development plan review, the City should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the recommendations of the United States Air Force in the 2005 Airport Installation Compatible Use Zone Report and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.**

**CONDITIONS:**

1. Prior to issuance of building permits, the landowner shall convey an avigation easement to the MARB/IPA Airport.

2. Noise attenuation measures shall be incorporated into office areas of the building construction as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL in office areas of the buildings.
3. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, hospitals, nursing homes, churches and chapels, auditoriums, restaurants, cafes, cafeterias, theaters, bowling alleys, motels, banks, department stores, supermarkets, drug stores, service stations, and public assembly uses such as amphitheaters, outdoor music shells, and sports stadiums.
  - (f) Structures greater than one story in height.
4. Except for three offices not exceeding 6,000 square feet in floor area each, located at building corners, the proposed structure shall be utilized for warehousing and distribution functions.
5. The City of Perris shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following facilities on this property:

Auction rooms, dance floors, lodge rooms, reviewing stands, conference rooms with capacities exceeding 100 persons pursuant to the Uniform Building Code, dining rooms, exhibit rooms, drinking establishments, retail sales facilities, gymnasiums, lounges, stages, gaming, congregate residences, and swimming pools.

The manufacturing of apparel, chemicals, rubber and plastics products, professional,

scientific, and controlling instruments, photographic and optical goods, watches, and clocks.

Any other uses that would be considered to have an occupancy level greater than one person per 500 square feet (minimum square feet per occupant less than 500) pursuant to California Building Code (1998) Table 10-A, other than offices within the delineated office areas..

6. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. All outdoor lighting shall be downward facing. (It is recommended that airport management be provided an opportunity to review outdoor lighting plans prior to approval.)
7. The aboveground storage of explosive or flammable materials is prohibited, except that flammable materials may be stored in accordance with quantities permitted in Airport Zone B1 pursuant to the provisions of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan (shall be less than 6,000 gallons). Such storage shall only be in conjunction with (and accessory to) a permitted use.
8. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall be prohibited, except as otherwise modified by Condition No. 7 above.
9. The attached notice shall be provided to all potential purchasers and tenants.
10. Proposed uses of space within the structures, other than offices and industrial uses including, but not limited to, manufacturing, fabrication, storage, and warehousing, shall be submitted to Airport Land Use Commission staff for consistency review. Where the use would not require any discretionary action by the City, the staff consistency review shall be at the building permit review fee level.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 4.3

**HEARING DATE:** *February 14, 2008*

**CASE SUMMARY**

**CASE NUMBER:** ZAP1013HR08 and ZAP1002HR07 - Sanderson Associates, LLC/Sunshine Real Estate, LLC

**APPROVING JURISDICTION:** City of Hemet

**JURISDICTION CASE NO.:** SP 05-3 (*Amended* Site Plan) and GPA 05-1

**MAJOR ISSUES:** Places of assembly as defined in the Hemet-Ryan Airport Comprehensive Airport Land Use Plan of 1992 include “any structure with a capacity for occupancy of over 50 persons”, and they are prohibited in Areas I and II. Therefore, pursuant to that Plan, most commercial uses would be found inconsistent.

**RECOMMENDATION:** While some types of commercial development may be allowable in Areas I and II, it is clear from the conceptual site plan that the applicant intends to develop a major complex consisting predominantly of structures with capacities for occupancy of more than 50 persons. Therefore, staff must recommend that the project be found Inconsistent, as it is located entirely within Areas I and II; however, staff would not object to a continuance in conjunction with a proposal by the City to amend the provisions of the existing 1992 Hemet-Ryan Airport Land Use Compatibility Plan to modify the definition of “places of assembly”.

**UPDATE:**

~~This project was previously considered by the Airport Land Use Commission at the March hearing and was continued off-calendar at the request of the applicant. On August 16, the applicant requested to be returned to the calendar at the next available hearing. There are no known changes to the project. However, the City has issued a Notice of Preparation for an Environmental Impact Report.~~

**PROJECT DESCRIPTION:**

SP 05-3 proposes the establishment of a 40-acre Specific Plan (“Sanderson Square”) providing for 23 acres of retail commercial uses and 17 acres of business park uses. *A total gross floor area of 218,825 square feet is projected for the westerly 23 acres of the project site.* GPA 05-1 proposes to amend the General Plan designation of the property from Industrial to Specific Plan.

**PROJECT LOCATION:**

The 40-acre site is located easterly of Sanderson Avenue, northerly of Wentworth Drive and the rail line, and southerly of Acacia Avenue, approximately 2,900 feet easterly of Hemet-Ryan Airport.



***UPDATE: This project was referred back to the Airport Land Use Commission for additional review based on amendments to the layout of the commercial portion of the project and to allow for review pursuant to criteria of the State of California Airport Land Use Planning Handbook.***

**LAND USE PLAN:** 1992 Hemet-Ryan Airport Comprehensive Land Use Plan

- a. Airport Influence Area: Hemet-Ryan Airport
- b. Land Use Policy: Area I and Area II, but mostly in Area II
- c. Noise Levels: From below 55 CNEL to below 60 CNEL (site is crossed by 55 CNEL contour)

**BACKGROUND:**

**ANALYSIS PURSUANT TO 1992 HEMET-RYAN AIRPORT CALUP**

The Hemet-Ryan Airport Comprehensive Airport Land Use Plan (HRACALUP) was adopted in 1992. The Plan defines areas of extreme risk (Area I), high risk (Area II), and moderate risk (Area III), as well as a Transition Area between areas of high and moderate risk. This property lies partially within the area of extreme risk, and the larger portion of the property lies within the area of high risk. No portion of the property is within the Transition Area.

A previous project design on this site was reviewed pursuant to ALUC Case No. HR-04-102. That project had included a residential component (condominiums), as well as commercial and industrial uses, and, as a result was found inconsistent. ~~Copies of the minutes, final letter, and staff report are attached hereto.~~ The conditions clearly stated that “places of assembly” were prohibited, but did not specify the definition of the term.

Land Use Intensity: A small portion of the site is located within Area I, areas of extreme risk. Area I is centered on the extended runway centerline, with its boundaries defined by the FAR Part 77 imaginary approach surfaces. This area was designated as the highest relative risk area in the HRACALUP “due to the convergence of flight paths and the resultant high volume of aircraft. Aircraft are descending or ascending, changing power settings, and performing critical turns; thus, the possibility of an aircraft related incident occurring is higher in these areas.” (HRACALUP page 15) Policies for Area I prohibit residential uses, places of assembly, institutional uses, critical facilities, and hazardous material facilities. However, it should be noted that the definition of “places of assembly” in the HRACALUP is broader than in some other ALUCPs. It includes “any structure, public or private, or premise, or portion thereof with a capacity for occupancy of over 50 persons which is designed or used for entertainment, amusement, instruction, education, worship, deliberation, display, meeting, awaiting transportation or for the consumption of food and drink.” The examples given include shopping malls, major retail outlets, restaurants, motels, banks, bowling alleys, and even professional office buildings and funeral homes, as well as auditoriums, theaters, recreation/entertainment facilities, churches, clubhouses, arenas, and stadiums.

The rest of the property is located in Area II. Area II is an area of high risk, which together with Area I consists of the area of greatest safety concerns. Exhibit 2 on page 18 of the HRACALUP

depicts the boundaries of Area II. The boundaries of Area II were “established to coincide as much as possible to areas where aircraft would be in the landing – takeoff generalized pattern and would be turning and applying or reducing power...” (HRACALUP page 17) Policies for Area II permit industrial uses, indicate that commercial uses are “discretionary”, and prohibit schools, institutional uses, places of assembly, and hazardous material facilities. Residential development is limited to a maximum density of one dwelling unit per 2½ acres.

According to Figure 1, Generalized Aircraft Flight Tracks, in Appendix C of the HRACALUP (“Final Report: Preparation of Airport Noise Contours” prepared by Brown-Buntin Associates of Visalia CA for the Riverside County Department of Aviation), the property underlies a generalized flight track for turning aircraft not using a straight-in approach or departure pattern.

~~The conceptual site plan provided by the applicant indicates that only a small portion of one building directly easterly of the “main access drive” from Whittier Avenue ( a new street that would be located along the northerly boundary of the property) would be in Area I. However, the rest of the property would be entirely in Area II. Major stores such as Wal Mart, Home Depot, or even a supermarket would be inconsistent with the limitations of Area II. There may be some commercial uses that would not qualify as places of assembly as defined above, but they would be exceptions to the norm.~~ ***The northwesterly portion of the property is located in Area I, and the rest of the property is located in Area II. Most commercial uses would constitute places of assembly as defined above.*** In particular, a 3,000 square foot retail facility would have an occupancy of 50 persons based on 50% of Uniform Building Code occupancy limits, so any larger retail facility would be inconsistent with the 1992 HRACALUP. ***Recent research by Mead and Hunt indicates an average occupancy of one person per 110 to 115 square feet for retail stores in buildings that include food service establishments and an average occupancy of one person per 170 square feet for retail stores in buildings where no edibles are sold (e.g., furniture and hardware stores). If a standard of one person per 115 square feet is applied to retail facilities here, an occupancy of 50 persons would be reached at a building size of 5,750 square feet.***

The site plan provides for ~~three “anchor tenants”, ten six “major tenants”, one building with “shops”, four “multiple tenant” buildings,~~ and seven freestanding pads (***with unspecified uses – possibly restaurants, financial services, or offices***) (~~five for restaurants and two for financial services~~) within the commercial area – clearly a regional or major community shopping center. ***Pursuant to the amended site plan exhibit, Figure 4.5 on page 95 of the Specific Plan indicates that the commercial area of the project may include 218,825 207,100 square feet of retail space, including not counting the 38,675 28,500 square feet of restaurants and 10,000 square feet in the seven other two freestanding pads. If one were to assume that the “major tenants” and “shops” would be retail uses and that the pads were to be restaurant serving area, Breaking this down into retail , restaurant, and office areas, use of Uniform Building Code criteria (including the 50% reduction) would indicate an occupancy level of 4,292 4,452 persons in the 23-acre commercial area, for an average of 187 194 persons per acre. The applicant has advised that the site plan is conceptual. Tenants are not known. It should also be pointed out that the above represents a high-intensity scenario, and that use of other assumptions could indicate a lower average intensity. If the retail area is evaluated on a basis of one person per 115 square feet, the total occupancy of retail and restaurant areas would be 3,192, for an average of 139 persons per acre.***

The business park provides for thirteen buildings, four of which would be “mezzanine” two-story buildings, with a possible gross floor area of 186,705 square feet. Assuming a split of 50% office and 50% manufacturing or fabrication, use of Uniform Building Code criteria would indicate an occupancy level of 700 in this 17-acre area, for an average of 41 persons per acre. The applicant estimates that a total of 2,700 people could be on-site at any given time, or approximately 60 people per acre, based on parking.

~~Furthermore, it must be stated that the~~ *The* general plan amendment and specific plan continue the trend of moving the direction of development in this area in a direction that is not advisable from an airport land use planning perspective. From the point of view of minimizing risk to the public health, safety, and welfare, it would be preferable to maintain the Industrial designation and zoning on this property. If commercial development is to occur here, from the safety perspective, it would be preferable for such development to be located in the portion of the site farthest from the airport, rather than in the portion closest to the airport. (Of course, the easterly portion is less accessible from major roads and, therefore, a less desirable commercial location.)

The bottom line here is that the project – at least the retail portion - is clearly inconsistent with the 1992 **HRACALUP**, as all of the commercial buildings would have occupancy levels greater than 50 *pursuant to the Uniform Building Code method* and, therefore, qualify as places of assembly, which are prohibited in Area II as well as Area I. Some of the industrial buildings could also fall in this category, depending on the internal split of each building between office, manufacturing, and storage or warehousing uses. *If the alternative method is used, the Pad 1, Pad 3, and Pad 4 structures, if used as retail, offices, or financial services (but not restaurants), would have occupancies less than 50, as would Major B, Pad 2, and Pads 5 through 7 if no edibles were sold in these buildings.*

~~While it would appear that a consistency finding is not possible given the text of the 1992 HRACALUP, the Commission may wish to consider whether the standard defining “places of assembly” is outmoded in light of the provisions of the 2002 Handbook. If that is the opinion of the Commission, it may choose to consider whether to “Decline to Act”.~~

## **AIRPORT LAND USE PLANNING HANDBOOK ANALYSIS**

### **Existing Master Plan**

Since the adoption of the HRACALUP, the State of California Department of Transportation, Division of Aeronautics has issued the 2002 California Airport Land Use Planning Handbook. Staff analysis indicates that, if the ultimate primary runway length of 5,300 feet (**as projected in the existing Hemet-Ryan Airport Master Plan**) is utilized as the critical factor, the standard safety compatibility zone example would be that of a Medium General Aviation Runway. Use of this standard example would place portions of the westerly (proposed commercial) portion of this property in Zones 2 (Inner Approach/Departure Zone) and 3 (Inner Turning Zone).

*The project proponents have submitted an exhibit that overlays the safety zones for Medium General Aviation Runways on the revised site layout. The overlay indicates that the sites labeled “Major B,” “Shops,” and “Pad 1,” along with a small portion of the site labeled “Pad 3,” would*

*be within Zone 2. These areas would include a total of 19,770 square feet of gross floor area (approximately 9% of the commercial area square footage). The overlay further indicates that the sites labeled Pads 4 through 7, the remainder of “Pad 3,” most of “Major J” and “Pad 2,” and part of “Major K” would be within Zone 3. These areas would include a total of 43,000 square feet of gross floor area (approximately 20% of the commercial area square footage). The remaining 71% of the commercial portion of the site would be within Zone 6 (the Traffic Pattern Zone).*

*Pursuant to this scenario, the easterly portion of the property would be partially in the Inner Turning Approach/Departure Zone, but largely in Zone 6 (Traffic Pattern Zone), and none of the structures in the easterly portion of the property would be in either the Inner Approach/Departure Zone or the Inner Turning Zone. All would be within the Traffic Pattern Zone.*

Criteria guidelines for the Inner Approach/Departure Zone recommend average intensity criteria of 25-40 persons per acre, with a maximum single-acre intensity of 50-80 for rural-suburban areas. Criteria guidelines for the Inner Turning Zone recommend average intensity criteria of 60-80 persons per acre, with a maximum single-acre intensity of 120-160 for rural/suburban areas. Both of these zones, as noted above, would be potentially less restrictive than the HRACALUP Area I and Area II standards prohibiting places of assembly. The Traffic Pattern Zone is the least restrictive, with a recommended average intensity of 150 persons per acre and a maximum single-acre intensity of 450.

*In order to consider potential single-acre intensities, staff reviewed several single-acre areas within the commercial portion of the project. For the portion of the project in the Inner Approach/Departure Zone, the most intense single acre would be an acre that includes all of the structure labeled “Major B” and part of the structure labeled “Shops.” Staff estimates that this single acre would include 9,534 square feet of gross floor area. Use of the standard Building Code method would indicate an occupancy of 159 persons in this acre, assuming no restaurants. Use of the alternative method would indicate an occupancy of 83 persons if any edibles are sold in either building, or an occupancy of 56 persons if no edibles are sold. Given the standard of 80 persons per acre as the maximum single-acre intensity, it may be appropriate to limit occupancy in these two buildings to uses that would not require Health Department inspections.*

*For the portion of the project in the Inner Turning Zone, the most intense single acre would be an acre that includes “Pad 5” and a portion of the “Major J” structure. Staff estimates that this single acre would include not more than 8,648 square feet of gross floor area. If neither structure is a restaurant or assembly use, use of the standard Building Code Method would indicate an occupancy of 144 persons in this acre, which would be consistent with the single-acre intensity limit of 160 persons. (Staff also reviewed several other single acres within this zone; none had a greater square footage of floor area.)*

*For the portion of the project in the Traffic Pattern Zone, staff determined that there are many overlapping single acre areas in the commercial area with gross floor area exceeding 30,000 square feet. The most intense by a narrow margin is the single acre that includes the structure labeled “Major E,” along with portions of the structures labeled “Major F” and “Major K.” Together, these structures (or portions thereof) include 34,844 square feet of gross floor area.*

*Assuming that there are no restaurants or assembly areas included therein, use of the standard Building Code Method would indicate an occupancy of 581 persons in this acre. Use of the alternative method would indicate an occupancy of 303 persons in this acre, which would be consistent with the single-acre intensity limit of 450 persons.*

### **Future Master Plan**

Presently, the airport owner-operator, the Riverside County Economic Development Agency – Aviation Division, is preparing a new Master Plan that would provide for the extension of the primary runway to a length of 6,000 feet. If this proposed runway length is utilized as the critical factor, the standard safety compatibility zone example would be that of a Long General Aviation Runway (6,000 feet or greater in length). In this situation, the Runway Protection Zone extends 2,500 feet from the end of the runway, the Inner Approach/Departure Zone extends 6,000 feet from the end of the runway, and the Outer Approach/Departure Zone extends 10,000 feet from the end of the runway. *Pursuant to this scenario, all of the proposed buildings in the westerly half of the property would be within Zones 2 (Inner Approach/Departure Zone) and 3 (Inner Turning Zone).*

*An exhibit depicting the Handbook-based safety zones as they would apply to this property was forwarded to ALUC staff from the City of Hemet Planning Department in December. The exhibit indicates that the Inner Approach/Departure Zone would continue to affect the same portion of the commercial area as it would pursuant to the Medium General Aviation Runway scenario, but that this zone would extend into the northeasterly quadrant of the proposed project, such that some of the industrial buildings would be wholly or partially within such zone.*

*More significantly, the Inner Turning Zone (Zone 3) would extend farther east, encompassing all of the commercial buildings not in Zone 2. Under these circumstances, the single acre including “Major E” as referenced above, with an occupancy of 303-581 persons, would not be consistent with the State standard of 160 persons per acre for Zone 3 around rural/suburban airports.*

*It should be noted, however, that the State guidelines (Table 9C in Chapter 9 of the Airport Land Use Planning Handbook) allow for a doubling of intensity for special risk-reduction building design. These features would include: upgraded roof strength; limited number and size of windows; no skylights; single-story height; enhanced fire sprinkler system; increased number of emergency exits; and use of concrete walls. The roof strength, sprinkler system, and emergency exit criteria require improvements beyond those required by the Uniform Building Code.*

It should be noted that, in conjunction with an application submitted for the property directly north of this site (ALUC Case No. HR 06 101), Aviation Systems, Inc. prepared a study which recommended that special safety zones be utilized for Hemet Ryan Airport based on the Short General Aviation Runway example, but modified to reflect high visibility minimums. The Aviation Systems study recommended safety zones (Figure 5 of April 2005 “Hemet Kaufman” report) that would depict this property as being partially in Zone 4 (Outer Approach/Departure Zone), but mainly in Zone 6, the Traffic Pattern Zone. Criteria guidelines for the Outer Approach/Departure Zone recommend average intensity criteria of 60-80 persons per acre, with a maximum single-acre intensity of 180-240 for rural/suburban areas. *Aviation Systems, Inc. prepared a compatibility study for this project that recommended special safety zones based on the Short General Aviation*

***Runway example, but modified to reflect high visibility minimums. A copy is included in this staff report package.***

Noise: The HRACALUP includes six CNEL contour maps based on various scenarios. Exhibit 5 (Average Annual Day – 2005) is the one that is intended to be utilized for planning purposes under most circumstances. Interpretation of this exhibit (which does not depict parcel boundaries) indicates that the northwesterly portion of this property is crossed by the 55 CNEL contour, suggesting that average noise levels would be between 50 and 55 CNEL in most portions of the site and between 55 and 60 CNEL in the northwesterly portion of the site. Noise levels are expected to be higher during the fire season, with more of the site within the 55 CNEL contour on such days. On the worst case fire day, the site would be almost entirely within the 55 CNEL contour, with a significant portion within the 60 CNEL contour. The site underlies a primary approach and departure flight track, so future employees and patrons would experience noise from overflying aircraft.

Part 77: According to Figure 4.3 of the Specific Plan, “Existing Topography Exhibit”, the elevation on the site varies from 1,522 to 1,530 feet above mean sea level (AMSL). No structures would be authorized by the Specific Plan itself, but the application indicates that structures may be as high as 33 feet and the proposed development standards would allow heights up to 35 feet. Thus, it is expected that the top of any structure will not exceed 1,565 feet AMSL. The elevation of the runway at its easterly terminus is **1,517** ~~1,508~~ feet AMSL. At a distance of 2,900 feet from the runway, any structure with a top elevation greater than **1,546** ~~1,537~~ feet AMSL would require FAA review. However, no structures are proposed at this time.

**In the event that the City of Hemet chooses to overrule a determination of inconsistency, the City should require the following as conditions of its approval. Implementation of *these conditions* ~~Conditions 1 through 6 without Conditions 7 and 8~~ would NOT render the project consistent with the Hemet-Ryan Airport Comprehensive Airport Land Use Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.**

#### **CONDITIONS:**

1. Prior to final adoption of the specific plan, the landowner shall record Avigation Easements covering the entire parcel proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
2. Unless otherwise determined inapplicable by Airport Land Use Commission staff, all structures at this location with an elevation above 1,546 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
3. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager prior to approval.

4. The following uses shall be prohibited:
  - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The attached notice shall be given to all prospective buyers and tenants.
6. All future structures at the site shall be limited to thirty-five (35) feet in height or two stories, whichever is less.

~~The following conditions shall be applied specifically due to the definition of "places of assembly" in the 1992 Hemet-Ryan Airport Comprehensive Airport Land Use Plan.~~

- ~~7. All proposals for discretionary review of development of structures 3,000 square feet or greater in floor area shall be referred to the Airport Land Use Commission for review.~~
- ~~8. No structure shall be designed with a capacity greater than 100 persons, pursuant to the Uniform Building Code, unless the Hemet-Ryan Airport Comprehensive Land Use Plan is first amended in accordance with the 2002 California Airport Land Use Planning Handbook or superseded by a new Airport Land Use Compatibility Plan.~~

# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## STAFF REPORT

### ADMINISTRATIVE ITEMS

- 5.1** The City of Palm Springs has sent ALUC a Notice of Proposed Overrule of its finding of inconsistency relative to the Desert Son-Shine Preschool and Kindergarten project (ZAP1004PS07). The notice (a copy of which is attached) simply states that the case will be heard by the Palm Springs City Council on February 20, 2008 with a staff recommendation that the Commission's finding be overruled. No findings or documents were provided with the letter. Staff has prepared a response to the Notice of Proposed Overrule, a copy of which is also attached.
- 5.2** ALUC staff has secured the Board Chambers for all regularly scheduled meeting dates for calendar year 2008, but is amenable to other possible locations for meetings. It is staff's intent to schedule meeting locations in light of the locations of projects subject to consideration in any given month. For example, staff projects that at least half of the cases that will be on the Commission's March agenda will be in French Valley, Hemet, or Perris, and so we are proposing that the March 13 hearing be held at the Eastern Municipal Water District in Perris.
- Commissioners have expressed interest in occasionally meeting in the desert (Coachella Valley). From an administrative standpoint, such meetings would preferably be held at a facility where technical support is available and where it is possible to record proceedings in such a manner that the recording can be placed on a compact disc. Commission Secretary Barbara Santos has been checking into this matter on the Commission's behalf, and advises that, at this time, of the venues contacted, only the Coachella Valley Water District in Coachella offers this capability. However, she also advises that the Water District rules prohibit food or drink (even water) in the Board room, and that other rooms may not be available for the traditional post-meeting lunch.
- 5.3** As a follow-up to the report from the Committee on Conditions and the Commission's discussion thereof at the January meeting, ALUC staff and Counsel have worked together to develop the attached model letter to advise a jurisdiction of an ALUC inconsistency determination. It is our belief that this model letter, with the attachment of the section of the *Airport Land Use Planning Handbook* addressing the overrule process, will assist the jurisdiction in following correct procedures for overrules without inclusion of text that may be interpreted as adversarial (for example, specific reference to the liability issue or to an increase in hazards).
- 5.4** The Hemet-Ryan Subcommittee will be meeting with representatives of the City of Hemet Planning Department and the Economic Development Agency – Aviation Division at 1:00 P.M. today in Board Conference Room 1B to discuss the nature, scope, and timing of an interim amendment to the Hemet-Ryan Airport Comprehensive Airport Land Use Plan, in light of the City's ongoing General Plan effort and the Airport Master Plan process.